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In re Application of
KITAMURA *et al*
Application No.: 10/530,965
PCT No.: PCT/JP03/13278
Int. Filing Date: 16 October 2003
Priority Date: 17 October 2002
Attorney Docket No.: 12477/8
For: COMPOSITE ION-EXCHANGE
MEMBRANE

DECISION

This decision is in response to the papers filed 18 January 2006 which are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 11 April 2005, applicants filed papers to enter the national stage under 35 U.S.C. 371 of PCT/JP03/13278 which were accompanied by, *inter alia*, an executed declaration. The ninth inventor's last name was listed as NOSHIRO on the declaration while the name is recorded as SAITO on the international publication ("WO 2004/036679").

On 30 November 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that declaration submitted 11 April 2005 was not in compliance with 37 CFR 1.497(a) and (b) because the name of one of the inventors was changed without documentation for the name change. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 18 January 2006, applicants filed a response which included a copy of a verified English translation of a family registration of the name change of the inventor.

DISCUSSION

MPEP § 605.04(c) lists the procedures required to petition to change the name of an inventor and states, in part:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her

name on the application, he or she must submit a petition under 37 CFR 1.182. . . The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order.

The petition fee of \$400.00 has been charged to Deposit Account No. 11-0600 as authorized. Applicants also provided a copy of a verified translation of a family registration of the name change of the inventor showing that the name changed from SAITO to NOSHIRO due to marriage. However, applicants have not provided an affidavit signed by the inventor whose name changed setting forth both names and the procedure whereby the change of name was effected. As such, applicants' request to change names will not be granted at this time.

CONCLUSION

For the reason discussed above, applicants' petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

It is noted that the surcharge fee of \$130.00 provided in the subject response is not required and has been credited back to counsel's Deposit Account.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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